

MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
WATER QUALITY ADVISORY COMMITTEE MEETING

Wednesday, June 6, 2007  
MAG Office Building  
Phoenix, Arizona

MEMBERS ATTENDING

Roger Klingler, Scottsdale, Chair	#Shawn Kreuzwiesner for Stephen Bontrager,
*Avondale	Peoria
Steve Borst for Lucky Roberts, Buckeye	Robert Hollander, Phoenix
#Jacqueline Strong, Chandler	Rich Williams Sr., Surprise
Greg Stack, El Mirage	David McNeil, Tempe
#Lonnie Frost, Gilbert	Kevin Chadwick for John Power, Maricopa
Chris Ochs, Glendale	County
*David Iwanski, Goodyear	John Boyer, Pinnacle West Capital
#Bill Haney, Mesa	*Ray Hedrick, Salt River Project
	Erin Taylor, U of A Cooperative Extension

\*Those members neither present nor represented by proxy.

#Attended by telephone conference call.

OTHERS PRESENT

# Lucky Roberts, Town of Buckeye	Christine Close, Damon S. Williams Associates
Dan Evans, DSE and Associates	Garry Hays, The Henderson Law Firm
Ed Bull, Sierra Negra Ranch	Robin Bain, Global Water/Hassayampa Utility
John Tylsdesley, CSA Engineering	Company
Rod Jarvis, The Henderson Law Firm	James Candland, Maricopa County
Felipe Zubia, Beus Gilbert	Steve Brittle, Don't Waste AZ and AZ Nuclear
Edwina Vogan, Arizona Department of	Energy Watch
Environmental Quality	Julie Hoffman, Maricopa Association of
Linda Taunt, Arizona Department of	Governments
Environmental Quality	Patrisia Navarro, Maricopa Association of
Dustin Jones, Tiffany and Bosin	Governments

1. Call to Order

A meeting of the MAG Water Quality Advisory Committee was conducted on Wednesday, June 6, 2007. Roger Klingler, City of Scottsdale, Chair, called the meeting to order at approximately 3:08 p.m. Lucky Roberts, Town of Buckeye; Jacqueline Strong, City of Chandler; Shawn Kreuzwiesner, City of Peoria; Lonnie Frost, Town of Gilbert; and Bill Haney, City of Mesa, attended the meeting via telephone conference call. Chair Klingler noted that materials for agenda item five are at each place.

2. Agenda Announcements

Chair Klingler provided an opportunity for member agencies to report on activities of interest in their agencies.

3. Call to the Audience

Chair Klingler provided an opportunity for members of the public to address the Committee on items not scheduled on the agenda that fall under the jurisdiction of MAG or items on the agenda for discussion but not for action. No members of the public indicated that they wished to address the Committee.

4. Approval of the January 24, 2007 Meeting Minutes

The Committee reviewed the minutes from the January 24, 2007 meeting. Chris Ochs, City of Glendale, moved and Robert Hollander, City of Phoenix, seconded, and the motion to approve the January 24, 2007 meeting minutes carried unanimously.

5. Draft MAG 208 Water Quality Management Plan Amendment for the Hassayampa Utility Company Northeast Service Area.

Robin Bain, Global Water Resources/ Hassayampa Utility Company (HUC), gave a briefing on the Draft MAG 208 Water Quality Management Plan Amendment for the HUC Northeast Service Area. Ms. Bain presented an introduction to Global Water Resources. She stated that the local private water and wastewater utility is regulated by the Arizona Corporation Commission (ACC). She mentioned that Global owns and operates 16 regulated water and wastewater utilities, all in Arizona, and discussed Global's team of water professionals. She indicated that Global holds 215 sections of Certificates of Convenience and Necessity (CC&N) in Maricopa and Pinal Counties, including three sections for HUC, and 65 sections for Water Utility of Greater Tonopah (WUGT). Ms. Bain mentioned that there are approximately 198 sections CC&N applications and extensions pending at the ACC, including 38 for HUC and 36 for WUGT. She stated that Global owns and operates the only private Central Arizona Project (CAP) recharge facility in Arizona, located in the Hassayampa River, northeast of the HUC Northeast Service Area. Ms. Bain discussed the facility and indicated that a second is under design. She stated that Global is committed to water conservation through water recycling and reuse in the communities served.

Ms. Bain stated that Global Water owns and operates the integrated utilities Palo Verde Utilities Company (PVUC) and Santa Cruz Water Company (SCWC) serving water, wastewater and recycled water in the City of Maricopa and expanding into Planning Areas of Casa Grande and Maricopa in partnership with the Cities and Ak-Chin Indian Community. She mentioned that the PVUC's Consolidated 208 Plan Amendment for 300 sections in Western Pinal County was approved in May 2007, which was the largest 208 for private utility in the State's history. She stated that more than one out of every three gallons of water used in PVUC/SCWC service area is A+ recycled water. Ms. Bain indicated that on May 18, 2007 Global Water opened its new Global Water Center in Maricopa. She mentioned that it is the first commercial building in Arizona to use recycled water to flush toilets, and is the first Leadership in Energy and Environmental Design utility facility in

Pinal County. Ms. Bain stated that this facility uses 80 percent less drinkable water than a traditional building of the same size, and uses only two-thirds of the electricity. She provided the daily projected water savings through recycling in the Global Water Center.

Ms. Bain discussed Global's business philosophies which include: comprehensive integrated water, wastewater and recycled water regional planning; deployment of infrastructure to ensure sustainable water resources management; and recycling A+ recycled water to replace 30 percent or greater potable water. She mentioned regional planning and creating economies of scale. In addition, Ms. Bain stated that the business philosophies of Global ensure maximum reuse and recharge activities; stretch water supplies, protect and enhance groundwater; and minimize discharges to surface waters (only required for temporary, emergency conditions).

Ms. Bain provided population projections for the HUC Northeast 208 Amendment. The projections indicate an approximate 2,000 dwelling units per square mile. The total residential population would be about 450,000. Based on the master planned developments, the number of persons per dwelling unit is 2.94; however, Maricopa County is requiring 3.5 persons per dwelling unit be used when presenting the capacities of the four water reclamation facilities (WRFs). Ms. Bain stated that the wastewater flows for the HUC Northeast service area would total 44.6 million gallons per day (mgd) for the four WRFs. She provided construction phases for campuses 1 through 4 for the HUC Northeast water reclamation facilities. Campus 1 would have an ultimate treatment capacity of 9.0 mgd, Campus 2 would have an ultimate capacity of 10.0 mgd, Campus 3 would have an ultimate capacity of 12.0 mgd, and Campus 4 would have an ultimate capacity of 14.0 mgd. Ms. Bain provided a description of the treatment process and indicated that the modular SBR plants would produce A+ quality reclaimed water (ADEQ Title 18-9), suitable for unrestricted reuse, recharge or discharge. She presented maps of the service area boundaries for the HUC Northeast Service Area and the developers requesting service from HUC. She provided maps of the existing and pending CC&Ns for water and wastewater and reclaimed water. Ms. Bain indicated that the CC&Ns are present day, who is currently asking for service. She noted that the 208 Amendment is looking out 20 years. Ms. Bain presented a map of the water reclamation facilities and recharge and Arizona Pollutant Discharge Elimination System (AZPDES) discharge locations.

Ms. Bain discussed Global's triad of conservation which include: 1.) Reuse recycled water for non-potable uses such as irrigating boulevards, school grounds, and common areas; 2.) Recharge: excess recycled water seasonally; and 3.) Surface water: introduction of renewable water sources to the maximum feasible extent. Ms. Bain stated that the average monthly groundwater consumption per customer was 13,800 gallons and the Global areas are below average. She indicated that this plan would reduce raw/potable water demands on the environment, and eliminate the proliferation of developer-owned and operated treatment plants. She stated that this plan allows for the structured elimination of septic tanks over time as infrastructure expands as well as standardization in treatment process and systems. Ms. Bain noted that developers are required to receive recycled water in lieu of raw water for irrigation. She indicated that Global/HUC has adequate authority to perform the functions enumerated at Section 208 (c)(2)(A)-(I), 33 U.S.C. § 1288 (c)(2)(A)-(I). She stated that Global/HUC is not asking to be a Designated Management Agency (DMA). Ms. Bain noted the same demonstration was used for the amendment in Pinal County. She discussed the environmental impacts and benefits which include sustainable development through regional solutions for water, wastewater, and recycled water and preservation of groundwater quality and quantity. Ms. Bain

stated that planning for discharge sites today precludes siting problems in the future and creates an opportunity for developers to amenitize these areas if they so desire.

Chair Klingler provided an opportunity for members of the public to address the Committee on this agenda item. He recognized public comment from James Candland, Chief of Staff to Maricopa County Board of Supervisor Don Stapley. Mr. Candland indicated that Supervisor Stapley is the County representative on the MAG Regional Council. He stated that Supervisor Stapley was unable to attend the meeting and asked that he come in his place. He indicated that they are in full support of this amendment and that Global has spent the last months briefing and working with staff on technical issues with this amendment. Mr. Candland stated that he is confident that the 208 Amendment is technically sound and urged the Committee to pass the amendment on for public hearing and ultimately approval. Chair Klingler indicated that Garry Hayes, The Henderson Law Firm, indicated his support for agenda items five and six in a comment card but did not wish to speak.

Chair Klingler recognized public comment from Steve Brittle, Don't Waste Arizona and Arizona Nuclear Energy Watch, who stated that the application is silenced on the depth and direction of groundwater flow in the area. Mr. Brittle mentioned that there is tritium in the groundwater caused by the Palo Verde Nuclear Generating Station. He indicated that the application does not have any data on how the pumping of groundwater and recharge will affect the speed, flow and direction of the radioactive water. He stated that this needs to be addressed. Mr. Brittle indicated that the application does not state how radioactive emissions from the nuclear power plant will affect the water. Mr. Brittle mentioned that in March 2006 APS reported that it found this radioactive water. He noted there is a question about the source. He stated that the application is also silenced on the potential effects for contamination of the aquifer by recharging contaminated water. He stated that this is a growing issue around the country and is not regulated at this point. Mr. Brittle stated that he wants to address public policy and remind them that in the event of a serious incident, the Palo Verde Nuclear Power Plant releasing unpermitted radiation, an evacuation is required of a 10 mile radius. He indicated that he is very involved in emergency planning issues. Mr. Brittle stated that the question remains as to how to get all those people out of there. He commented on building next to the power plant. He stated that water and wastewater plants often have large quantities of gaseous chlorine and a catastrophic release of a railcar of chlorine can harm people up to 25 miles away. He mentioned the vulnerability that a water or wastewater plant may cause on the power plant. Mr. Brittle indicated that the power plant is having its own problems. He commented that private water utility companies are not as well regulated or scrutinized as publicly owned treatment works. Mr. Brittle stated that the Hassayampa Sub-basin historically has not had enough water to support this type of growth and he does not know if it will have a guaranteed water supply for 100 years. Chair Klingler thanked Mr. Brittle for his comments.

Steve Borst, Town of Buckeye, inquired about the two CAP recharge basins in the Hassayampa River. Ms. Bain responded that they are not basins, but turnouts, siphons, that pull water off the CAP Canal. She stated that the siphons discharge CAP water into the Hassayampa River; they are not constructed basins. At this point they are permitted to get CAP water into the river which is a place to recharge water. Ms. Bain indicated that Global has two permits for a total of 50,000 acre feet per year, each 25,000. She mentioned that one siphon is built and operating and the other will be north of that siphon and is still under design. Mr. Borst asked if the intention is to put CAP water

into the river and to go into the aquifer without treatment or other provisions. Ms. Bain responded that is the intent and what was permitted. She noted that the Arizona Department of Water Resources (ADWR) permits the underground storage facilities and mentioned monitoring criteria. She indicated that CAP has large and successful recharge facilities and Global just happens to be privately owned and operated. Mr. Borst inquired if the maps and locations of the potential recharge areas are noted in the report. Ms. Bain replied that Exhibit 2 shows the Central Arizona Water Conservation District (CAWCD) recharge facility which is to the northwest. She mentioned that Global facilities are not shown.

Chair Klingler stated that water supply was brought up as one of the triad's of conservation. He asked about the boundaries of the active management area (AMA). Ms. Bain responded that she did not include the boundaries of the AMA since the water supply is not typically discussed in the 208. Chair Klingler inquired if the service area was in the Phoenix AMA. Ms. Bain replied that she believed it is within the Phoenix AMA. Chair Klingler commented that one of the triads in the documentation stated that 30 percent of the water is coming through the surface water supply by Greater Tonopah Utility District CAP allocation. Ms. Bain replied that they are trying to show a typical community that has low flow toilets and low flow showers using .4 acre feet a year per dwelling unit. She stated that using reclaimed water on general outdoor uses through the homeowners association represents 30 percent of water used in a community. As Global goes into the future, part of the triad of conservation is not to only advance reclamation so that it is used for residential uses and commercial uses that are suitable for nonpotable water but also to bring in CAP water to supplement the reliability of the water supply. Ms. Bain indicated that there is no intent to say that there is not enough groundwater in the area, and that is also not part of the 208 process. She mentioned that at the moment, Global is building two CAP plants in Pinal County for the same reason, to provide reliability.

Chair Klingler commented on presenting it on an acre foot per dwelling unit basis, the surface water plant at the northern part of Belmont discussed in the introductory letter, and plans to ultimately provide half of the potable water source needs of the service area through WUGT. He inquired about the amount of water Global is talking about in this statement. He asked about the acre feet of CAP water. Ms. Bain responded that at the moment she did not have the answer to that question. Chair Klingler inquired on the ability to meet Designated Management Agency requirements and the ability to enforce pretreatment requirements. He mentioned that Ms. Bain stated that Global would work with developers to the extent possible to encourage them to place grey water line or reuse ideas and recharge to the extent possible. Chair Klingler asked what mechanism does Global use to enforce the Recycled Water Management Plan reuse and recharge. Ms. Bain responded that ADEQ and the Environmental Protection Agency (EPA) have determined that Global has the capabilities to perform the functions of a DMA. Chair Klingler inquired if EPA and ADEQ have made that determination for this application. Ms. Bain clarified that it has not reached ADEQ or EPA for this application. She indicated that ADEQ and EPA have determined that another subsidiary of Global Water, the Palo Verde Utility Company, has met that functionality for the 208 in Western Pinal County. She mentioned that Global Water has a Source Control Program which is equivalent to a Pretreatment Program and all the technical elements. She indicated that Global has Codes of Practice that are mandatory for all customers to meet, between that and the powers that are vested through the permits and through the CC&Ns, Global has been able to demonstrate the capabilities of the requirements

of a DMA. She stated that Global is not asking to be a DMA but submitting information that supports that Global can meet the functionalities of a DMA.

Chair Klingler asked about the ability of enforcing pretreatment requirements on a developer or a builder. Ms. Bain replied that it can be accomplished in three different ways: one, the Codes of Practice, which must be followed by being a customer of Global Water; two, by utilizing a tariff that the ACC would approve; and three, through one of the permits, the APP permit or AZPDES permit. She indicated that between the CC&N and the Codes of Practice, Global can go back and take action against any kind of pretreatment indiscretions or violations that may occur. Ms. Bain stated that the AZPDES and APP permits have standards that are required to be met, and through the CC&Ns and the Codes of Practice Global can go back and make those requirements.

Mr. Hollander inquired about the legal authority to carry out the practices. He commented on the enforcement of Codes of Practice and asked whether it is enforced through contractual agreements or a legal authority through statute. Ms. Bain replied that the Global Codes of Practice are established and have authority through their contractual agreements with developers and through the CC&N. She mentioned that there are statutes that allow the ACC to issue a CC&N and Global receives its authority through that way. For a legal interpretation she would defer to ADEQ or EPA. Ms. Bain stated that because Global is a regulated utility through the ACC, they have the ability to shut off a customer. Global can also get a tariff to levee fines.

Chair Klingler asked for a clarification on Exhibit 4 and the timing of the facilities. He commented on the Campus 1 WRF being at the Hassayampa Ranch, which should be available in the next 5 years and the Campus 2 WRF appears to be at the 339<sup>th</sup> Avenue project. Chair Klingler asked if Campuses 1 and 2 will be built first and the others are further into the future. Ms. Bain responded that Global is a utility company and not a developer; therefore, Global needs to be ready when the developer is ready. At the moment it appears the Belmont, Hassayampa Ranch and the 339<sup>th</sup> Avenue Project, the areas closest to Interstate 10, are going to go first. She indicated that Global needs to provide adequate capacity and if it requires one or two plants being built in one year Global will do that in order to serve them. Ms. Bain stated that this is an estimated guess on the staging of those plants and when they will be constructed.

Lonnie Frost, Town of Gilbert, asked for clarification on Figure 7-3 and statements on pages 7-5 and 7-6 which stated that as a last resort would discharge to various rivers and washes. Mr. Frost asked how much recharge capacity Global is anticipating for each of the sites. He asked if Global would be 100 percent redundant on recharge capacity or less than 100 percent so there would be always an opportunity to discharge. Ms. Bain replied that the intent is to be 100 percent redundant on recharge. She discussed that currently Global is going through that process in the City of Maricopa where there is a 9 mgd APP for a water reclamation facility and Global is working on a 9 mgd recharge APP as well. She mentioned that discharge is the last resort and is not a day to day expectation. Ms. Bain stated that Global believes it is prudent and wise environmentally to have a permit in place. Mr. Frost stated that he agrees with Ms. Bain and mentioned that he just could not find in the document where it would be 100 percent redundant.

Mr. Borst inquired about the method that Global uses to restrict large landscape consumptive uses. An example would be specifying the use of ADWR approved plants for the AMA. Ms. Bain replied that there are requirements for the percent of open space that the developer must provide. If that is 15 percent, Hassayampa Utility Company requires contractually that of that 15 percent, only 22 percent can be turf and the rest has to be xeriscape landscaping. She indicated that the developers are required to provide impoundment to take all the reclaimed water that would be generated from their development, which will be essentially storage. Mr. Borst asked if the open space requirement was a Maricopa County requirement or a Global requirement. Ms. Bain responded that Global requires that only 22 percent of the open space requirement in Maricopa County be turf. Mr. Borst asked where it was stated in the document. Ms. Bain responded that it could be found in page 7-1.

Mr. Borst inquired if Global knew how many golf courses or other large consumptive uses there will be in the area. Ms. Bain stated that Global is not a developer; therefore, she does not know specifically of how many golf courses will be in the area. However, any golf courses will be required to use reclaimed or recycled water.

Linda Taunt, Arizona Department of Environmental Quality, referred to the DMA discussion. She mentioned that Global is providing the functional equivalency for those areas where they have CC&Ns and that is the only place where Global has the ability to carry out those functions. She stated that as Global gets additional CC&Ns they will continue to provide those abilities in the new CC&N areas. She referred to the discussion about pretreatment and stated that through the ACC, through the tariff, Global has the ability to turn off service. She indicated that if ADEQ or EPA feel the need for additional enforcement mechanisms, ADEQ can step in and take care of some of the issues through the permit. She stated that the private utility company does not essentially have an enforcement program although they may develop something. Ms. Taunt indicated that ADEQ can work with the utility company through the permit to carry out any additional actions that might be necessary.

Chair Klingler commented that in Appendix B, the proposed CC&N extension for the sewer collection and treatment system shows an existing CC&N in place. Ms. Bain responded that is an approved CC&N. Chair Klingler inquired about the proposed CC&N application for Belmont and 339<sup>th</sup> Avenue projects. Ms. Bain responded that several years ago Global did an application for a new company, the Hassayampa Utility Company. She mentioned that they got a CC&N in order for Hassayampa Utility Company to serve the Hassayampa Ranch which is about 2,020 acres. She stated that once you have an existing CC&N, then anything after is considered an extension. She mentioned that Global has administration sufficiency for HUC as shown in the Northeast Application. She indicated that achieving this is very significant as it means that Global has met the technical elements that the ACC requires according to staff. Staff then writes a report that goes to an administrative law judge, there is a hearing, and after successfully answering the questions, he will advance it for approval at the full Commission. Ms. Bain stated that Global expects to get the CC&N approved by the end of the year.

Mr. Borst asked if any of the CC&Ns were preliminary or conditioned on approval of the 208 amendment. Ms. Bain responded that the CC&Ns are not order preliminary. She mentioned that there are ordering paragraphs, which may say to submit the Approval To Construct (ATC) for the

water reclamation facility when received. One ordering paragraph may be to submit the Approval Of Construction (AOC) when received from Maricopa County Environmental Services Division. Ms. Bain stated that Global already submitted the application for this plan amendment. She added that the ACC knows this amendment is in the process and when it gets approved than Global will submit it. It is not conditioned, it is required as all the other things that follow getting the CC&N.

Mr. Borst inquired if the HUC has a fully approved unconditional existing CC&N that is not dependant of the determination of this body. Ms. Bain replied that the CC&N is not conditioned on the 208 amendment. It has ordering paragraphs that requires you to get an ATC, AOC, and 208 within a certain period of time. Garry Hayes, The Henderson Law Firm, indicated that he represents Harvard Investments that owns Hassayampa Ranch. He mentioned that he had spoke before the Committee in the past and has worked at the ACC. Mr. Hayes stated that it is called a Conditional CC&N which has a timeline in which to receive certain things (i.e. 208 or ATC). He stated that the ACC normally gives 12-18 months. He indicated that the applicant can file an application to extend the time period in which to receive the approval. Mr. Hayes stated that the CC&N is conditional on receiving certain things; however, the ACC has always said to get it and they will grant extended time to it.

Mr. Borst asked for an explanation of the term preliminary. Mr. Hayes replied that in the 1970s, the ACC granted orders preliminary which meant that they would reserve the area so the utility could get the approvals and then the ACC would give the CC&N. At that point an orders preliminary was not given a vested property right like a CC&N. He stated that one or two orders preliminary have been granted in the past years. He indicated that there are two commissioners that want to go back to that route, two that do not and one that is not sure. Mr. Hayes indicated that at this current time the ACC is still using the CC&N. He mentioned that the issue first arose near Flagstaff. Mr. Borst asked for clarification that the Hassayampa Ranch has a Conditional CC&N which is conditioned upon a Maricopa County ATC, ADEQ APP, and MAG 208 Amendment. Mr. Hayes responded that it has a CC&N which is conditional. He mentioned that every CC&N that goes through the ACC gets benchmarks and time periods, but time periods can always be extended. Mr. Borst asked if the CC&N that includes Belmont will be conditional or preliminary. Mr. Hayes responded that he did not feel comfortable speaking on it and indicated that it is going through the process.

Mr. Borst noted that an APP or an ATC cannot be given until it is consistent with the MAG 208, which requires approval from this body. Mr. Hayes replied that it is important to note that all that can be discussed in the 208 is wastewater treatment and not what is included in the water CC&N. He mentioned the importance of having an integrated water and a wastewater provider. This would meet the goal which is to reuse the water, recharge the water, and use the water in the most effective and efficient matter. Ms. Bain clarified that the CC&N document has ordering paragraphs but does not have the word conditional in the title. She noted that it is not unlike other CC&Ns issued.

Chair Klingler indicated he is concerned with an objection from a MAG member agency, the Town of Buckeye, who has the potential to be a water and wastewater provider and has the enforcement ability through the police power of the municipality to enforce good planning. He noted that Maricopa County is also a MAG member agency, but not in the water or wastewater business. Chair Klingler stated that he is concerned that there is a MAG member agency, with some interest in this,



raising some legitimate concerns. He requested that Buckeye summarize their concerns. Mr. Borst indicated that the Town is objecting to this amendment and will respectfully make a motion to defer the authorization for the Committee to open a public hearing. He mentioned that the request is not based on the technical merits, which Buckeye would like to present. The request is to enable the Town to review the most recent revision of the documents dated May 23, 2007 which were received only about a week ago. He stated that the HUC Northeast area has gone through several revisions and Buckeye commented three times in 2006 and another time to the technical matters in 2007. The Town of Buckeye has not seen the revision and was not provided copies of the response to objections until recently. Being the objector in this case, Buckeye would like some time to look at the newest revision, the responses to the objections, and to come back and provide to the Committee the technical basis for the objection.

Chair Klingler recognized public comment from Rod Jarvis, The Henderson Law Firm, who represents Harvard Investments, the developer of Hassayampa Ranch. Mr. Jarvis stated that he would like to discuss history that would show the objection in a different light. He indicated that the Hassayampa Ranch Project, which is part of the 208 amendment request, has been going through the process close to three years. He stated that for the first year in a half, Buckeye had no interest in the project and no desire to annex the project. Mr. Jarvis indicated that the concern about being able to provide was not an issue with regard to Buckeye. He requested that Ms. Bain discuss the issue.

Ms. Bain stated that the technical elements of the plan have strengthen during the review with Maricopa County. The technical elements are nearly the same and have just been tweaked to improve the document in terms of its clarity, but the reuse and recharge planning elements are the same. In addition, the locations of the treatment plants have not changed. She mentioned that one of the things that did change in the plan was to correct the boundary of the Buckeye Municipal Planning Area (MPA), because it was not shown accurately in the map. She stated that the map had a piece that Global thought was part of the Hassayampa River but in actuality was part of the Buckeye MPA. She indicated that the technical elements have been communicated more clearly. She stated that the whole purpose of asking to move into the public process is to enable everyone time to review the document. Ms. Bain stated that Global did respond to Buckeye's objections but was not aware of a more recent letter. She stated that Global has responded to letters received in the past and Buckeye has received copies of the responses.

Mr. Jarvis stated that Buckeye was not interested one and a half years ago. He indicated that he met with the Mayor and Town Manager for Buckeye, where they indicated that the real issue was trying to force annexation and if they agreed to annexation, all the objections with water supply would go away. He stated that it was not about technical issues regarding the 208 amendment. Mr. Jarvis indicated that it is about trying to abuse the process to force an annexation.

David McNeil, City of Tempe, stated that he would like to make sure that the concerns that the Town of Buckeye has are pertinent to the 208 approval process before the Committee agrees to defer on authorizing a public hearing. He asked Buckeye to describe the concerns of the Town that have not been addressed. Mr. Borst responded that the issue is the application for Global Water which has changed from just serving Hassayampa Ranch to 64 sections of land. He stated that there have been significant revisions particularly in the last 12 months. He mentioned that he has just learned of the

potential to recharge CAP water within the Sub-basin that Buckeye is relying on for sustainability. Mr. Borst indicated that he was unaware of that and the idea of putting CAP water into the Hassayampa River to support the HUC Northeast service area is in part related to the goal of the Clean Water Act and of this body which is to preserve and/or improve the Waters of the United States.

John Boyer, Pinnacle West Capital, commented on the Committee approving wastewater treatment plants and stated that there is another process for CAP recharge. Mr. Borst stated that the nexus for 208 and the Clean Water Act would require review of the technical documents that were received just a couple of weeks ago. Buckeye would like the response to their objections which they feel were 208 based. He stated that Buckeye had several correspondences on this matter and has evidence that copies were not provided. Mr. Borst indicated that Buckeye had to go out and seek responses and only received them recently. He stated that the objections were submitted to Global as well as the regulatory agencies. He reiterated that the document has been revised significantly over the last 12 months and most recently two weeks ago. He stated that Buckeye would like the opportunity to look at their previous objections, see how they were met and incorporated into the document and see what new changes were made to the document. Mr. Borst indicated that the Town feels respectfully that it is a reasonable request. Ms. Bain stated that Buckeye has received the responses to all of their comments and copies of the 208 amendment. She noted that Buckeye received what was submitted to Maricopa County and MAG. Ms. Bain indicated that Global has courier evidence that it has been sent and received. She mentioned that she appreciates Mr. Boyer's comments and added that an AZPDES permit is not required to recharge CAP water in the Waters of the U.S. which falls under ADWR jurisdiction for an underground storage facility. She noted that an APP permit is also not required. Chair Klingler stated that some of the comments were in response to the application and presentation.

Mr. Borst made a motion to defer the authorization for a public hearing to the next meeting of the Committee. Rich Williams, City of Surprise, seconded the motion. Mr. Hollander inquired about the next scheduled meeting. Chair Klingler stated that the Committee does not have regularly scheduled meetings and asked Mr. Borst for a specific time frame. Mr. Borst responded that approximately 45 to 60 days would be reasonable. Chair Klingler indicated that the Committee will have a meeting after 45 days if the Committee authorizes a public hearing under the next agenda item. Chair Klingler stated that he is willing to support the motion and indicated that the Committee has given more time to work out issues in the past. He mentioned that the questions he has are specific to the 208 process. Chair Klingler commented on the significant expansion of the CC&N to cover the entire service area and massive projection of a number of treatment plants. He stated that 45 to 60 days is not unreasonable when a MAG member agency is requesting it. Mr. McNeil stated that he is still concerned that the only basis he has heard for delay are related to water quality impacts associated with recharge of water. He indicated that there is a permitting process through ADWR which provides for public input and an assessment of unreasonable harm associated with recharge projects. He stated that he does not know if that concern alone should be incorporated into the review of the Committee which as noted by Mr. Boyer, essentially is approval of wastewater service as consistent with the 208 Plan. Mr. McNeil expressed concern for that being the only basis to delay the process.

Mr. Williams stated that he personally needs more time to review, digest, and think through the process. He mentioned that it is not unreasonable for a MAG member agency or the Committee to have a reasonable amount of time to deal with such an important and complex issue. Mr. Hollander concurred with Mr. Williams although he agrees that the specific issues of concern made by Buckeye are not necessarily germane to 208. He commented on Buckeye having a short period of time to review substantial revisions and agreed that a 60 day time frame is not an excessive amount of time to continue review and come back with a decision.

Mr. Boyer reiterated that he has not heard any concerns that has to do with the treatment plant. He mentioned some comments on the DMA issue, which would be germane however, ADEQ seems to be on board with the Global demonstration. Mr. Boyer indicated that most of the concerns he has heard have been about the recharge. He added that on one letter received from Buckeye it seems to discuss impact to groundwater from recharge and references reports he does not have access to and no way to evaluate it. He stated that if he needs time it would be to read the information that Buckeye wants to provide to say why this is an issue. Mr. Boyer indicated that so far he has not seen anything that says there is anything wrong with what is proposed. He indicated that he does not see an issue and would like to move forward. Mr. McNeil indicated that there is an additional opportunity to comment during the public hearing process and perhaps there would be more information at that time. Kevin Chadwick, Maricopa County, stated that Maricopa County recommends approval of the 208 amendment which meets all the technical requirements, and based on technical merits, is complete and ready to go.

Chair Klingler asked to vote on the motion to defer consideration of calling a public hearing for 60 days. The motion failed through a roll call vote with Chair Klingler, Mr. Borst, and Mr. Williams voting yes. Mr. McNeil made a motion to authorize that a public hearing be conducted for the Draft MAG 208 Water Quality Management Plan Amendment for the HUC Northeast Service Area. Greg Stack, City of El Mirage, seconded, and the motion passed through a roll call vote with Chair Klingler, Mr. Borst, and Mr. Williams voting no.

6. Draft MAG 208 Water Quality Management Plan Amendment for the Hassayampa Utility Company Southwest Service Area.

Ms. Bain presented the Draft MAG 208 Water Quality Management Plan Amendment for the Hassayampa Utility Company Southwest Service Area. She indicated that the intent is to show how the amendment meets the criteria in the 208 checklist. She provided the population projections for the HUC Southwest 208 amendment based on Copperleaf and Silver Springs Ranch development master plans. The average number of dwelling units per square mile is approximately 2,000. She stated that Copperleaf's residential population will be approximately 1,000 by 2010 and 2,400 by 2012. Silver Spring Ranch's residential population will be approximately 24,700 at buildout in approximately 2015. She stated that Maricopa County requires 3.5 persons per dwelling unit. The total residential population of the service area would be about 291,400. Ms. Bain provided a chart on the wastewater flow generated from the Southwest Service Area that would have a total average daily flow of 31.85 mgd (32 mgd). Ms. Bain also provided the construction phases for the Campus 1 WRF. She noted that if there are site restraints, the original SBR phases likely will need to be replaced with MBRs. Ms. Bain indicated that the data from Global customers show a flow of 135 gallons per day per dwelling unit. She provided a description of the treatment process and stated

that UV light is used and there is no use of gaseous chlorine. Ms. Bain provided maps for the Southwest Service Area boundary and developers requesting service. She also provided maps for the existing and pending CC&Ns for water, wastewater and reclaimed water and the location of recharge and AZPDES discharge locations for the HUC Southwest Service Area. She described the AZPDES discharge locations, which are a last resort. Ms. Bain indicated that the same Recycled Water Management Plan -Reuse and Recharge presented for the Northeast Service Area is being proposed for the Southwest Service Area.

Mr. Stack indicated that the layout for the water reclamation facility as shown in Exhibit 7 demonstrates room for four phases; however, five are listed. He asked how the five phases will be worked out in the modular design shown in Exhibit 7. Ms. Bain referred to the figure in Appendix D. She stated that Appendix D has the legal description for the site and the layout that shows all five phases. She stated that if Global needs to go into a larger flow they will retrofit into MBR to get more capacity on the same footprint.

Mr. Hollander asked if the concept changed to having one facility now rather than two facilities as discussed in Exhibit 9, the October 5, 2006 letter to ADEQ. Ms. Bain responded that the original concept was to have two WRFs. She stated that in working with Maricopa County, Global was not able to pin down the location of one facility, although Global knew where it should be from a hydrological perspective, and did not have a request for service from the developer. She indicated that Global decided to use one site since they could not pin down the other site with a legal description and a deed. Ms. Bain stated that if Global needs to they will go to MBR. In the future, if there is a need for an additional treatment plant, Global will get a site from a developer then come back to the Committee for an amendment. Bill Haney, City of Mesa, stated that he agreed with Ms. Bain on the gallons per capita per day figure. He indicated that his experience is that 100 gallons per capita per day is way high. Mr. Haney stated that history is going to show that the facilities are going to be smaller than what was indicated in the presentation. Mr. Ochs made a motion to authorize that a public hearing to be conducted on the Draft MAG 208 Water Quality Management Plan Amendment for the HUC Southwest Service Area. Mr. Hollander seconded and the motion carried with Chair Klingler voting no and Mr. Borst abstaining.

## 7. Call for Future Agenda Items

Chair Klingler asked for any suggestions for future agenda items. He stated that the public hearing will be scheduled. With no further comments, Chair Klingler thanked the Committee for participating and called for adjournment of the meeting.